

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	1:01cr455 (LMB)
	)	
ZACARIAS MOUSSAOUI	)	
a/k/a "Shaqil,"	)	
a/k/a "Abu Khalid	)	
al Sahrawi,"	)	
	)	
Defendant.	)	

ORDER

On July 6, 2004, the United States filed a Supplemental Motion (Docket Number 1176) to address issues first raised in its Motion Regarding Mental Health Evidence. See Docket Number 93. In its Supplemental Motion the United States asks for an order requiring the defense to comply with Fed. R. Crim. P. 12(b) by filing within 20 days after the return of the mandate from the Fourth Circuit, a Notice of Intent if it plans to use mental health evidence to support a mitigating factor defense during the penalty phase of the trial. The proposed Order would also direct that if a Notice of Intent is filed, defendant would be required to submit to a mental examination by mental health experts chosen by the United States and the parties' mental health experts would have to exchange any materials they used in reaching their expert opinions. The United States also asks the Court to order that defense mental health witnesses have no further contact with the defendant.

The defendant objects to the motion arguing that it runs afoul of the Order of November 5, 2003 (Docket Number 1111), in which all further district court action in this case was stayed until the

complex issues on appeal were resolved. The Court finds merit in that position. Accordingly, until the mandate is returned by the Fourth Circuit, the stay remains in effect, unless an emergency matter requires immediate attention.

For these reasons, it is hereby

ORDERED that the United States' Supplemental Motion be and is STAYED<sup>1</sup> until the mandate is returned. If this case remains death eligible, defendant must file any response to Docket Numbers 93 and 1176 within ten (10) days of the return of the mandate.

The Clerk is directed to forward copies of this Order to counsel of record and the United States Marshals Service.

Entered this 23rd day of July, 2004.

\_\_\_\_\_/s/\_\_\_\_\_  
Leonie M. Brinkema  
United States District Judge

Alexandria, Virginia

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<sup>1</sup> To the extent the United States asks the Court to limit any contact between mental health professionals and the defendant, this Motion is DENIED. The disclosure requirements of Rule 12 will prevent any prejudice to the prosecution from such contacts.